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Attorneys for Defendant Jack Cuthbert

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

ANDREW E. ROTH, derivatively on  
behalf of BROCADE  
COMMUNICATIONS SYSTEMS, INC.,

Plaintiff,

vs.

GREGORY REYES, MICHAEL BYRD,  
ANTONIO CANOVA, JACK  
CUTHBERT, and BROCADE  
COMMUNICATIONS SYSTEMS, INC.,

Defendants.

CASE NO. 3:06-CV-2786 CRB

**STIPULATION EXTENDING TIME  
TO RESPOND TO FIRST AMENDED  
COMPLAINT**

The Hon. Charles R. Breyer

WHEREAS, the complaint in this action was filed on April 24, 2006;

WHEREAS, defendant Brocade Communications Systems, Inc. ("Brocade") filed a  
motion to dismiss the complaint on June 8, 2006;

WHEREAS, plaintiff has decided to amend the complaint in lieu of opposing the  
motion to dismiss, and has so advised defendant Brocade;

WHEREAS, plaintiff and defendant Brocade have agreed that the amended  
complaint will be filed by July 14, 2006, with defendant Brocade's response thereto due on  
August 14, 2006;

THEREFORE, the parties hereby stipulate as follows:

1 Defendant Jack Cuthbert's response to the amended complaint shall be served and  
2 filed by August 28, 2006.

3  
4 Dated: June 29, 2006

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6  
7 By: Mark Mermelstein by RD  
8 MARK MERMELSTEIN  
9 Attorneys for Defendant Jack Cuthbert

10 Dated: June 29, 2006

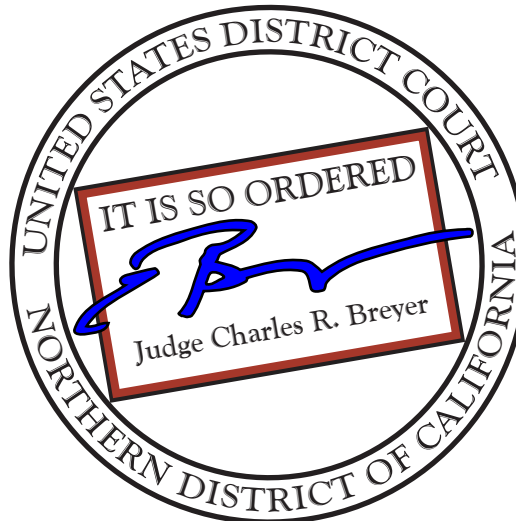
SCHUBERT & REED LLP

BRAGAR WEXLER & EAGEL, P.C.

OSTRAGER CHONG FLAHERTY &  
BROITMAN P.C.

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15 By: Aaron H. Darsky  
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17 Attorneys for Plaintiff ANDREW E. ROTH

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July 5, 2006

**PROOF OF SERVICE****STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of Los Angeles, State of California. My business address is 601 West Fifth Street, 12th Floor, Los Angeles, California 90071.

On June 29, 2006, I served the following document(s) described as  
**STIPULATION EXTENDING TIME TO RESPOND TO FIRST AMENDED COMPLAINT**

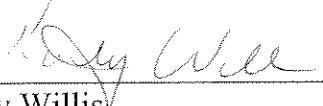
on the interested parties in this action as follows:

**SEE ATTACHED SERVICE LIST**

☒ **BY MAIL:** I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with Beck, De Corso, Daly, Kreindler & Harris's practice for collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on June 29, 2006, at Los Angeles, California.

  
 Kathy Willis

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**SERVICE LIST**

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